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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,604	12/28/2000	Tadakatsu Izumi	F-6803	6756
7590	04/18/2006		EXAMINER	
Jordan and Hamburg 122 East 42nd Street New York, NY 10168			MCCULLOCH JR, WILLIAM H	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/750,604	IZUMI, TADAKATSU
	<b>Examiner</b>	<b>Art Unit</b>
	William H. McCulloch Jr.	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3 and 5-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is in response to amendments received 7/22/2005. The application has claims 1, 3 and 5-15 pending, with claim 2 cancelled and claims 8-15 newly added.

### ***Drawings***

2. The drawings were received on 7/22/2005. These drawings have been amended to remove black areas and shading from figure 5. The drawings are acceptable to overcome their previous rejection.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: page 3, line 16 recites "to be to be gained possession of by the second game machine." It is likely that applicant did not intend claim 1 to recite the superfluous "to be". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junkin (U.S. 5,860,862) in view of Hawkins et al. (U.S. 6,009,458), and *The Official Guide to Ultima Online* collectively.

Junkin teaches a network game system having a plurality of elements that allow play of a real time game element trading game (Abstract). The network has

communication, interactive terminals, servers, and storage devices (Fig. 1). Junkin describes a computer display of a team roster database that shows possession information (2:41-42), multiple computers communicating over a network that teach discrimination between machines (Fig. 1 and 2:43-45), a menu for selecting and trading team players (8:66-67) that shows transaction information providing, presentation, and selection of elements available for trade. Information updating is taught through real time update of team information (6:25-37).

Claims 1, 5, 6 and 7 recite "at least two game machines each possessed by each of the users (presumably one possessed by each user) and communicative in a linkage with one another in a manner permitting data exchange therebetween. Newly added claims 9, 11, 13, and 15 are directed toward "a direct physical linkage permitting data exchange directly between said at least two game machines."

Junkin teaches a gaming system as described above. Junkin appears to lack disclosing a direct, peer-to-peer networking scheme. Hawkins teaches an analogous networked computer game system with playing objects. In Figures 1 and 2 and corresponding discussion, Hawkins teaches the equivalence of a server based central control game network arrangement and a direct linked peer to peer arrangement. Thus, play of the game can be implemented on either type of network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Junkin to distribute the required software for play of the game across the peer devices participating in the game and eliminate the need for a central server in view of the teachings of Hawkins.

Claims 1 and 5-7 are directed toward allowing a player to take possession of an item "based on and in response to an outcome of the common game." Dependent claim 3 is directed toward allowing possession of an item if the player is the winner of the competition. Newly added claims 8, 10, 12, and 14 are directed toward allowing possession of an item if the opposing player surrenders. The combination of Junkin and Hawkins teaches the game system as described above. The combination of Junkin and Hawkins seems to lack explicitly stating that game objects are transacted in response to an outcome of a game. However, *The Official Guide to Ultima Online* (hereinafter UO) teaches a gaming format that allows players to loot, steal, or otherwise overtake resources from a defeated (or surrendering) opponent. Pages 22-23 of UO teach that when a player defeats another player, the winning player is entitled to "loot" the losing player's inventory of items. UO also teaches that an attacking player may demand "either your money or your life" of another player. This indicates that a player may wish to relinquish an item of the attacker's choice in order to save himself from being killed by the attacker. It is clear that players are playing a common game. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Junkin and Hawkins to allow players to take possession of an item(s) in response to an outcome of a common game, as suggested by UO, in order to allow players to enjoy multi-user dungeon (MUD) or role-playing games.

Hawkins teaches the use of playing objects in role playing games and multi-user dungeon (MUD) games (see at least column 2). UO may be generally classified with role-playing or MUD type games. For at least this reason, the teachings of Junkin,

Hawkins, and UO are analogous art. The differences between the references cited above and the instant claims would have been obvious to one of ordinary skill in the art at the time of invention.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3, and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

***Citation of Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. 5,879,005 to Baca teaches a war game playing system. U.S. 6,292,706 to Birch et al. discloses a simulated baseball game.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
4/13/2006

JOHN M. HOTALING, II  
PRIMARY EXAMINER

wm

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